

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NED CHARLES McNULTY III,

Plaintiff,

v.

DET. LARRY SCHMIKE, POLICE
OFFICER COLE, and MIKE URBAN,

Defendants.

ORDER

13-cv-423-bbc

Defendants Larry Schmike and Police Officer Cole have moved for a change of venue of this case to the United States Court for the Eastern District of Wisconsin. (Defendant Mike Urban did not join the motion, although he has been served.) Plaintiff Ned Charles McNulty III opposes the motion.

In support of their motion, defendants Schmike and Cole assert that plaintiff is a resident of the Eastern District, despite his address at the Mendota Mental Health Institute, and that all of the defendants are domiciled in Milwaukee, Wisconsin; all acts complained of occurred in the Eastern District; plaintiff's claim has no connection to acts of defendants in the Western District; the action could have been brought originally in the Eastern District; and bringing the witnesses to court in Madison will be inconvenient for the witnesses. In opposition, plaintiff asserts that he resides in Madison, so that having the case in this court will be more convenient for him; he has a weak bladder; and there should be no

conflict of interest in the Western District.

Defendants have made an adequate showing to support their motion: they are all domiciled in the Eastern District and the acts complained of occurred there. Plaintiff's reasons for opposing a transfer of venue are not compelling. His transportation will be provided, his weak bladder can be accommodated and he has shown no basis for believing that the court in Milwaukee will have a conflict of interest. Even if one judge has such a conflict, it is unlikely that all four of the other judges in the district will be unable to hear the case.

ORDER

IT IS ORDERED that the motion to transfer venue to the United States District Court for the Eastern District of Wisconsin filed by defendants Larry Schmike and Officer Cole, dkt. #12, is GRANTED. The clerk of court is directed to transmit the file to the Eastern District.

Entered this 13th day of November, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge